

bands. It includes eligibility, operational, planning and licensing requirements and technical standards for stations licensed in these bands. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

§ 90.523 Eligibility.

This section implements the definition of public safety services contained in 47 U.S.C. § 337(f)(1). The following are eligible to hold Commission authorizations for systems operating in the 764–776 MHz and 794–806 MHz frequency bands:

(a) *State or local government entities.* Any territory, possession, state, city, county, town, or similar State or local governmental entity is eligible to hold authorizations in the 764–776 MHz and 794–806 MHz frequency bands.

(b) *Nongovernmental organizations.* A nongovernmental organization (NGO) that provides services, the sole or principal purpose of which is to protect the safety of life, health, or property, is eligible to hold an authorization for a system operating in the 764–776 MHz and 794–806 MHz frequency bands for transmission or reception of communications essential to providing such services if (and only for so long as) the NGO applicant/licensee:

(1) Has the ongoing support (to operate such system) of a state or local governmental entity whose mission is the oversight of or provision of services, the sole or principal purpose of which is to protect the safety of life, health, or property;

(2) Operates such authorized system solely for transmission of communications essential to providing services the sole or principal purpose of which is to protect the safety of life, health, or property; and

(3) All applications submitted by NGOs must be accompanied by a new, written certification of support (for the NGO applicant to operate the applied-for system) by the state or local governmental entity referenced in paragraph (b)(1) of this section.

(c) *All NGO authorizations are conditional.* NGOs assume all risks associated with operating under conditional authority. Authorizations issued to NGOs to operate systems in the 764–776 MHz and 794–806 MHz frequency bands include the following condition: If at any time the supporting governmental entity (see paragraph (b)(1)) notifies the Commission in writing of such governmental entity's termination of its authorization of a NGO's operation of a system in the 764–776 MHz and 794–806 MHz frequency bands, the NGO's application shall be dismissed automatically or, if authorized by the Commission, the NGO's authorization shall terminate automatically.

(d) Paragraphs (a) and (b) notwithstanding, no entity is eligible to hold an authorization for a system operating in the 764–776 MHz and 794–806 MHz frequency bands on the basis of services, the sole or principal purpose of which is to protect the safety of life, health or property, that such entity makes commercially available to the public.

[63 FR 58651, Nov. 2, 1998, as amended at 65 FR 53645, Sept. 5, 2000]

EFFECTIVE DATE NOTE: At 65 FR 53645, Sept. 5, 2000, § 90.523 was amended by revising paragraph (b), effective Nov. 6, 2000. For the convenience of the reader, the superseded text is set forth as follows:

§ 90.523 Eligibility.

* * * * *

(b) *Nongovernmental organizations.* A nongovernmental organization (NGO) that provides services, the sole or principal purpose of which is to protect the safety of life, health, or property, is eligible to hold an authorization for a system operating in the 764–776 MHz and 794–806 MHz frequency bands for transmission or reception of communications essential to providing such services if (and only for so long as) the NGO applicant/licensee:

(1) Has the written, ongoing support (to operate such system) of a state or local governmental entity whose mission is the oversight of or provision of services, the sole or principal purpose of which is to protect the safety of life, health, or property; and

(2) Operates such authorized system solely for transmission of communication essential to providing services the sole or principal

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purpose of which is to protect the safety of life, health, or property.

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§ 90.527 Regional plan requirements.

Each regional planning committee must submit a regional plan for approval by the Commission.

(a) *Common elements.* Regional plans must incorporate the following common elements:

(1) Identification of the document as the regional plan for the defined region with the names, business addresses, business telephone numbers, and organizational affiliations of the chairpersons and all members of the planning committee.

(2) A summary of the major elements of the plan and an explanation of how all eligible entities within the region were given an opportunity to participate in the planning process and to have their positions heard and considered fairly.

(3) A general description of how the spectrum would be allotted among the various eligible users within the region with an explanation of how the requirements of all eligible entities within the region were considered and, to the degree possible, met.

(4) An explanation as to how needs were assigned priorities in areas where not all eligible entities could receive licenses.

(5) An explanation of how the plan had been coordinated with adjacent regions.

(6) A detailed description of how the plan put the spectrum to the best possible use by requiring system design with minimum coverage areas, by assigning frequencies so that maximum frequency reuse and offset channel use may be made, by using trunking, and by requiring small entities with minimal requirements to join together in using a single system where possible.

(7) A detailed description of the future planning process, including, but not limited to, amendment process, meeting announcements, data base maintenance, and dispute resolution.

(8) A certification by the regional planning chairperson that all planning committee meetings, including sub-

committee or executive committee meetings, were open to the public.

(b) *Modification of regional plans.* Regional plans may be modified by submitting a written request, signed by the regional planning committee, to the Chief, Wireless Telecommunications Bureau. The request must contain the full text of the modification, and must certify that successful coordination of the modification with all adjacent regions has occurred and that all such regions concur with the modification.

§ 90.531 Band plan.

This section sets forth the band plan for the 764–776 MHz and 794–806 MHz public safety bands.

(a) *Base and mobile use.* The 764–776 MHz band may be used for base, mobile or fixed (repeater) transmissions. The 794–806 MHz band may be used only for mobile or fixed (control) transmissions.

(b) *Narrowband segments.* There are four band segments that are designated for use with narrowband emissions. Each of these narrowband segments is divided into 480 channels having a channel size of 6.25 kHz as follows:

| Frequency range | Channel Nos. |
|-------------------|--------------|
| 764–767 MHz | 1–480 |
| 773–776 MHz | 481–960 |
| 794–797 MHz | 961–1440 |
| 803–806 MHz | 1441–1920 |

(1) *Narrowband nationwide interoperability channels.* The following narrowband channels are designated for nationwide interoperability licensing and use: 55, 56, 59, 60, 67, 68, 135, 136, 139, 140, 147, 148, 215, 216, 219, 220, 227, 228, 295, 296, 299, 300, 307, 308, 375, 376, 379, 380, 387, 388, 467, 468, 535, 536, 539, 540, 547, 548, 615, 616, 619, 620, 627, 628, 695, 696, 699, 700, 707, 708, 775, 776, 779, 780, 787, 788, 855, 856, 859, 860, 867, 868, 947, 948, 1015, 1016, 1019, 1020, 1027, 1028, 1095, 1096, 1099, 1100, 1107, 1108, 1175, 1176, 1179, 1180, 1187, 1188, 1255, 1256, 1259, 1260, 1267, 1268, 1335, 1336, 1339, 1340, 1347, 1348, 1427, 1428, 1495, 1496, 1499, 1500, 1507, 1508, 1575, 1576, 1579, 1580, 1587, 1588, 1655, 1656, 1659, 1660, 1667, 1668, 1735, 1736, 1739, 1740, 1747, 1748, 1815, 1816, 1819, 1820, 1827, 1828, 1907, 1908.